

Previous references.

File No. 196

1905-06

Serial Nos. 1 to 3

(Courts)

Later references.

CG 104-13, 1-6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 3

Part B. for February '06

SUBJECT.

Revision of the order passed by the Sessions Judge of Mysore releasing the accused in the Ganjam murder case (Govt vs Siddaiya & others) on bail & the transfer of the case for trial, to some other court.

FILE No. 196 of 1905-06.

Revision of the order passed by the Sessions Judge of Mysore, releasing the accused in the Ganjam murder case (Government vs. Siddaiya and others) on bail and the transfer of the case to some other Court.

- | | |
|---|--|
| 1 | From the Government Advocate in Mysore, No. 160, dated the 29th January 1906.
Forwards the correspondence that passed between himself and the District Magistrate of Mysore and the Inspector-General of Police in the matter, and requests to be informed if he may apply to the Chief Court for the cancellation of orders releasing accused persons on bail or for transfer of cases under Section 526 (a) of the Civil Procedure Code, without reference to Government and in the case under advertance, if he may appear in support of the reference now made or make an application to the Chief Court on behalf of the prosecution for the transfer of the case. |
| 2 | From the Government Advocate, No. 161, dated 31st January 1906.
States that the District Magistrate of Kolar has asked him to apply to the Chief Court for revision of the decision of the District Judge of Bangalore in Miscellaneous Nos. 9 and 10 of 1905-06, and requests to be informed if Government orders are necessary before he can move the Chief Court for a revision of the proceedings. |
| 3 | To the Government Advocate, the District Magistrates of Districts, the Inspector-General of Police and the Registrar, Chief Court, No. J. 2220-30, dated the 14th February 1906.
Observes that Government order is necessary for the Government Advocate to make applications to the Chief Court on behalf of Government both for the cancellation of orders releasing accused persons on bail and for the transfer of cases from the file of one Court to that of another. |

G. R. S. 11]

1905-06

GENERAL AND REVENUE SECRETARIAT

(Conts.)

NOTES.

File. No 196.

FILE HEADING.

Revision of the order passed by the Sessions Judge of Mysore releasing the accused in the Farjam Murder Case (got to Siddich (S. Theos) on bail & the transfer of the case ^{for trial} to some other Court.

From

The Government Advocate in Mysore

No. 160 Dated 29/1/06 Received 1/2/06

Diary No. J 2037

Enclos. 3

Spare Copies. -

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the correspondence that passed between himself & the Dist. Magt of Mysore & the D. G. of Police in the matter & requests to be informed if he may apply to the Chief Ct. finally, for the cancellation of orders releasing the accused persons on bail or for the transfer of cases under Sec 516 (2) of the Cr. Pro. Code, without reference to Jt. & in the present case, if he may appear in support of the reference now made or make an application to the Chief Ct. on behalf of the prosecution, for the transfer of the case.

NOTES AND ORDERS.

It is stated by the Jt. Advocate that in the case No. 33 of 1905-06 in the file of the Dist. Magt of the French Rocks Dist. 6 persons were charged with the offence of murder of a Brahmin Banjari ^{in Farjam} while the case was

G.R.S. 12]

General and Revenue
Secretariat.

File No. 196 of 1905

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No.

under enquiry, & of the accused person applied to the Sessions Judge of Mysore for bail, which was granted by that Judge accordingly in Feb this case No. 32 of 05. 06), ~~and if the accused died of plague~~ ~~and the Sessions~~, although in the first instance ^{the same} was refused by the Dist. Magt. The accused have, however, with the exception of one, ~~been~~ who died of plague while under custody, been reported, having been committed to the Sessions later on by the Dist. Magt. Both the District Magt of Mysore & the Inspector Genl of Police are afraid that ~~there would be~~ a miscarriage of justice is likely to ensue if the case is tried by the Sessions Judge of Mysore & the District Magt has made a reference to the Chief Ct for the transfer of the case & the reference stands posted for hearing before the Judge to the 12th Feb 06. As the Govt Advocate entertains doubts as to the power of the Dist Magt to make such a reference, he solicits instructions if he may appear before the Chief Ct in support of the present reference & finally in such cases.

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No.

2

Sent for advice

28/1/06

3

The duties of the Government Advocate are defined in Rule 3 of the rules of the 16th March 1904. As regards clauses (a) and (c), there is no difficulty; the former specifies the Government as the authority to whom alone he is bound to give advice (the Public Prosecutor being available in the case of Deputy Commissioners and Heads of Departments); the latter expressly states that appearances before subordinate criminal courts and all civil courts require the special orders of Government. Appearances before the Chief Court to support convictions are automatic acts, and no particular authorisation (beyond that contained in rule 3 (b) is necessary. The same is true where the Government Advocate has to appear to support or to oppose applications already made to and entertained by the Chief Court. But it is not very clear who is to direct that officer to make applications to the Chief Court on behalf of Government. Clause (b) is not very definite on the point; but both from the analogy of appeals against acquittals and from the fact that the authority to be represented in that Court is the Government, I am led to think that the only authority competent to direct him to make an application is the Government itself. There have been no cases within my experience of Heads of Departments or Deputy Commissioners themselves moving the Government Advocate to act except through Government; the proce-

Mr. Narayana Rao
tells me this is
also his impression.

Serial
No.

procedure recently prescribed, of District Magistrates consulting that officer first before coming up to Government with proposals to file appeals, is not a real exception.

4 Next, as regards the two points referred for orders:-

1) The Government Advocate may be informed

that the orders of Government are necessary in each case in ^{which} ~~who~~ he is required to make an application before the Chief Court.

2) The materials before Government are not

sufficient to enable them to judge whether the Chief Court should be asked for the

transfer of the case from the file of Mr

Ramaswami Iyer, Sessions Judge. Mr. Carr

speaks mysteriously of feeling "with rea-

son" "that the Sessions Judge is already

prejudiced in the case;" it is desirable

that these reasons should be ascertained,

confidentially if need be. The mere fact

that he ordered the release of the accused

on bail, perhaps on inadequate grounds, is

hardly a good reason why a miscarriage of

justice should be anticipated.

(Intd) ~~by~~ C.

2-2-06.

5 Another reference from the Govt. Advocate in the same point has just been received.

Dec 11-1-06

6 For a draft to say that Govt. order is necessary for the Govt. Advocate to make appli-

cation to the Chief Court on behalf

Vide penultimate para of his letter to the Govt. Advocate, No. C-A, dated 26-12-05.

Serial
No.

of Govt. - & that in the Mysore case he need not appear to support the application ^{made} to the Chief Court - by the Dist. Magt. of Mysore for the transfer of that case ~~as per~~ altho' as per clause 6 of rule 3 of the 16th March 1854 (Reg. 9) he is at liberty to appear on behalf Govt. without their permission.

7 In regard to the Kolar cases he may be asked to apply to the Chief Court to revise their order referred to. He may submit the file with the draft -

2.2.1856

8 Draft on the above lines & moved for approval

me
3/2/06 SN
3/2/06

See

3-2-06

9 Draft submitted to the Dewan Sahib thro' the Comptroller of

6.2.1856

10 The transfer application in the Ganjam case ought not to have been made by

1306
6-2-1906

Serial
No.

the District Magistrate as a
own responsibility and
without reference to Govt.
As the representative &
mouthpiece of Govt. the
Govt. Advocate ~~ought to~~
support the applica-
tion unless instructed
by Govt. to do so. The
facts of the case are not
fully before Govt. who
therefore are not in a
position to direct the
Advocate to prep. the

only after the District Magistrate
or the D.L. has
any representation
to make. The other paras are all right.
He should place
himself in com-
munication
with Govt. on
the subject. - Q

application for a transp.
Para 3 of the draft may
be revised as above.

The other paras are all right.

Q 7/2/06

" I discussed the matter

with the Govt. Advocate
and he showed me the

order of the S. J. He has
not a copy of the order of the

Magistrate with him - The

Serial
No.

most that can be said about
the J. Judge's order is that it
is rash in that the judge
professes to have acted with
-out ~~reference~~ reading the evidence
which was then on record
and ~~therefore~~ without
forming an opinion whether
such a sentence was suffi-
cient to raise a presumption
of guilt of the accused person,
but this rash proceeding by
itself is not sufficient to
warrant an application for
the transfer of trial from that
Court. I agree to the method
suggested by the Councilors.

10.2.06 (und)

12 Modify the draft

Recd 6

10/2/1906¹³ Alter para 3 of the draft in line

of the 1st (r) note, & bring up -

14 Draft of an order with the above
additions contd. 15 Done.

19/2/06
12/2/06

1-12-2006

Serial
No.

2

From

The Govt. Advocate.
No. 161 D/31.1.06.

States that the Dist. Magistrate of Kolar has asked him to apply to the Chief Court for revision of decision of the Dist. Judge, Bangalore, in Inis. Nos 9 & 10 of 05-06; and requests to be informed if Govt orders are necessary before he can move the Chief Court for revision of the Proceedings.

3.

To-

The Govt. Advocate.
Dist. Magistrates of Dto.
J. S. of Police

✓ Registrar, Chief Court.

No. of 2220-30/Cts 196-05-3.

Observes that Govt order is necessary for the Govt. Advocate to make application to the Chief Court, on behalf of Govt, both for the cancellation of orders releasing accused persons on bail & for the transfer of cases from the file of one Court to that of another; that the transfer application in the present case ought not to have been made by the Dist. Magistrate of Kolar on his own responsibility; that the Govt. Advocate may move the Chief Court for a revision of the proceedings of the Sessions Judge of Bangalore in the case No. 9 & 10 of 05-06.

No. 160
Subs 3

2037
Urgent

Office of the Government Advocate
in Mysore Bangalore
Dated 29th January 1906

From

The Government Advocate
in Mysore.

1/2/06 Z.

To Branch III
Quick please

31.1.1906

ml
2-2-06

The Secretary to the Government
of His Highness the Maharaja
of Mysore, Revenue and
General Departments

Sir,

In Criminal Case No. 33 of 1905-06
on the file of the 1st class Magistrate of
French Rocks, six persons were charged
with Murder. The 2nd accused died of
plague, and the 6th accused made a
confession implicating himself and
the remaining accused. While the
preliminary enquiry was going on, the
accused 1, 3, 4 and 5 applied to the
Magistrate for releasing them on bail,
which was refused. While the case
was still on the file of the Magistrate,
the accused persons repeated their
application for bail before the
Sessions Judge of Mysore, who, after

✓ Hearing the advocate for the accused and the public prosecutor, released them on bail. A copy of the order is herewith enclosed for perusal and obliging return.

2. Shortly after this, the preliminary enquiry was completed, and the accused were re-arrested and committed to the Sessions. (26-12-05)

3. The Inspector General of Police in his letter, Camp No: A, dated 26th December 1905, asked me to apply to the Chief Court for cancellation of the said order of the Sessions Judge, and for a transfer of the said case to any other Sessions Court, or to the Chief Court.

Thereupon, I intimated the Inspector General of Police in a personal interview, that as the accused were in custody, having been re-arrested and committed to the Sessions, no object would be gained by asking the Chief

Court to revise the said order of the
Sessions Judge bailing the accused,
and that I should under the Circum-
stances, require an authority from
Government to apply for transfer
of the Case.

4. The Ground on which I was asked
to apply for transfer was that "as from
the Circumstances connected with the
release of the accused on bail, it will
be understood, that the authorities
feel, with reason, that the Sessions
Judge is already prejudiced in the
Case, and that it is therefore possible
that a miscarriage of justice may
result, if the Case is taken up by
him". It need hardly be said, that
releasing the accused on bail on
hearing the Counsel on both sides,
does not convince such a prejudice on
the part of a Judge against the
prosecution as to warrant a statement
being made under clause (a) of section
526 Criminal Procedure Code, to the
effect that a fair and impartial trial

If the Case could not be had in that Court. It will be noticed that when the Government Advocate makes such a statement, it will be presumed that he does so with the knowledge and consent of Government. It may further be noticed that such a statement of want of Confidence in a Sessions Judge will be all the more significant, when it comes from the prosecutor representing Government, than when it comes from an accused person. These were my reasons for requiring the sanction of an authority from Government to apply for a transfer.

Quite so

5. The District Magistrate of Mysore made a reference to the Chief Court under Section 438 Criminal procedure Code, requesting the Cancellation of the order of the Sessions Judge releasing the accused on bail, and the Court disposed of the reference without giving him any notice.
- If the order of the Chief Court is a person in the custody of the Government, it would be a violation of the rights of the accused, and the order of the Sessions Judge releasing him on bail, and the Court disposing of the reference without giving him any notice, would be a violation of the rights of the accused.
- holding order of 438 of Cr.P.C.

inexplicable
inasmuch as
it purports
to find fault
with the Sessions
Court. It is only
in the cases of
irregularities
in Magistrate Courts
that the Dist.
Magt. can make
reference to the
Chief Court.

9.2.1886

holding that the District Magistrate
had no power to make the reference,
and directing that the papers be
made over to the Government Advocate
for taking such steps as may be
deemed necessary. I have intimated
the District Magistrate, that in my
opinion, no further steps need be
taken in this matter.

1. The District Magistrate has
made another reference to the Chief
Court asking for a transfer of the
said murder case from the file of
the Sessions Judge Mysore, and
has asked me to support the
reference. (vide - his letter no: 1945 dated
23rd instant - original herewith enclosed
for perusal and obliging return). I
learn the papers in connection with
the reference have been submitted to
the Judges, and that unless I make
an immediate request - that I may
be heard in support of the same,
the matter may be disposed of
in Chambers. I am afraid the

6 the District Magistrate has no power
to make this reference also.

7. In these circumstances, I solicit
instructions from Government on
the following points:-

Whether I may, at the instance
of the Inspector General of Police,
or the District Magistrate, apply
to the Chief Court for cancellation
of orders releasing accused
persons on bail or for transfer
of cases under Clause (a) of
Section 526 Criminal Procedure
Code, without reference to
Government; and whether
in this particular instance
I may appear in support
of the reference, or make
an application to the Chief
Court on behalf of the
prosecution (Government)
praying for the transfer of
the case.

As the Sessions Case has been
posted to the 12th February, I

request the favour of an early reply.
I have the honor to be
Your most Obedient Servant

S. Narayana Rao
Government Advocate.
W

8
In the Court of Sessions: Mysore &c.

Dated 18th December 1905

Present: M. Ramasami Iyer Esqr
B. A. B L.

Sessions judge.

Criminal Mis Petition no 32 of 05-06

Petitioners

1. Siddiah. 2. Thimma, 3. Mari 4. Borah.

(aced 1, 3, 4 and 5 respectively

Wf

The Mysore Government

Petition praying that the petitioners
who are under trial before the 1st
class Magistrate of French Rocks Division
in Criminal case no 38 of 05-06,
may be ordered to be enlarged on bail
for reasons stated in the petition.

The Court on hearing Messrs B. Narsimha
Row and N. Subba Row on behalf of
the petitioners and The Public Prosecution
on behalf of the Government passed

the following: -

Order.

This is an application under section 498 of The Criminal Procedure Code to admit the petitioners who have been charged with the murder of one Soraappa along with others before the Assistant Commissioner and 1st class Magistrate of French Rocks to bail. They have been in jail pending the enquiry since 30th October.

The enquiry the Court is informed has been finished.

The petitioners applied through their lawyers for bail, but it was refused on the ground that the Assistant Superintendent of Police who was anxious to address the Court was absent on other duty, that further

10
evidence was likely to be forthcoming
and that if bail were allowed
there was danger of the prosecution
evidence being tampered with.

None of these grounds have commended themselves to me as sufficient or reasonable. One of the accused persons admittedly died of Plague and another is said to be down with fever.

The petitioners are agriculturists owning lands, houses and other property within the jurisdiction of this court.

Bail is generally refused only when there are reasonable grounds for believing that the accused is guilty, or when there is substantial evidence to show that he would evade the

~~trial~~ by not appearing on the
appointed day.

In this case, no such grounds have
been urged.

There is little or no chance of the
evidence already recorded being
tampered with and the Court has
no means of knowing when the
further evidence would be adduced
or how long more the accused will
be detained.

I therefore direct that the accused
be admitted to bail. Each of them
will furnish two respectable and local
sureties each for Rs 1000 or two such
sureties for Rs 8000 and execute recog-
nizances for Rs 500 to appear before
the Magistrate when required.

(SD) M. Ramaswamy Iyer 2
Sessions judge

"Copy"

M. Ramaswamy Iyer
Sessions judge. Mysore S^d.

"Copy"

M. S. S. S. S.
District Magistrate
Per:

13
Office of the

Inspector General of Police in Mys

Dated Bangalore, 26th December 05.

No. Camp A.

From

F. E. C. Carr Esquire,

Inspector General of Police in Mysore.

To

S. Narayan Rao Esquire,

Government Advocate in Mysore.

Sir,

I have the honour to forward herewith a certified copy of order in Criminal Miscellaneous petition No.32 of 1905-06 in the Court of Sessions Judge, Mysore, and I would request you to be so good as to at once move the Chief Court to revise the above order on the following grounds:-

1. That the Sessions Judge in passing his order had no records before him, and did not call for any, to enable him to come to a conclusion, under section 497, as to whether there were not reasonable grounds for believing that the accused persons were guilty of the offence of which they were accused,
2. that the case was sub judice before the committing magistrate, and that the committing Magistrate with the full records before him had refused bail.,
3. that the Sessions Judge was perfectly well aware that the case had been posted for further hearing before the Committing Magistrate, to the 25th instant, (his own order being date the 18th instant); and that there was no reasonable doubt that the committing Magistrate would conclude the case within a few days.
4. The public Prosecutor was able, when opposing the application for bail, to assure the Court that the accused persons had been removed to Mandya lockup, which is perfectly sanitary and free from plague.
5. The Public Prosecutor was further able to state that the 6th accused had made a full ^{and} complete confession of his guilt, implicating the remaining accused; and that the committing

ting

Magistrate was contemplating the advisability of taking this 14
accused as an approver in the case, to prevent a possibility of
his retracting his confession before the higher Courts, and to
encourage him if possible to give additional evidence in the
case.

6. The Public Prosecutor stated also that there was
strong circumstantial evidence, corroborative of the 6th ac-
cused's confession.

I would ask you to make it clear to the Chief Court that
the case under reference, it is peculiarly dastradly and cold-
blood murder. The deceased was a Brahmin Pujari of a temple in
Ganjam. Hewas carrying on a "liaison" with a certain woman
Lakshmi, who was the concubine of the first accused; the business
being conducted through a precuress named Nagi. The first accuse
came to know of the intimacy of Lakshmi with the deceased, and
was so enraged thereat that he hired an assassin, (the accused
who has now succumbed to plague) and with this man's help, and
with the order accused, followed up Nagi and Lakshmi one night
when they went to keep an appointment with the deceased. Thrusti
aside these women just as they entered the small temple in
which the deceased was lying, they rushed on the deceased,
threw him down, pinioned him, and then deliberately cut his
throat with a chuckler's awl (rampi), and hacked him more or
less to pieces with the same instrument. (The temple-the scene of
of crime-I have myself visited; and it now resembles a shambles
the whole floor being covered with coagulated blood). The crime
was committed by the 6 accused persons in the middle of the
town of Ganjam, and the motive for the crime is known to the
veriest cooly of the town. The Police have worked out the case
exceedingly well, in spite of the most strenuous efforts on the
part of the accused's pleaders to tamper with the evidence; and
it appears to me in the highest degree unsatisfactory that the
highest Judicial functionary of the District, should hamper the
efforts of the police and of the Magistracy, in their earnest
endeavours to bring a ruffianly lot of scoundrels to justice.

The committing Magistrate was about frame his order of
commitment of the accused to the Sessions Court; and the -----

Sessions Judge, then, with all the records before him, ^{or} could have framed an opinion as to whether it was necessary or not to release the accused on bail. In my opinion the Judge's action, in having released the accused on bail when the case was still pending before the committing Magistrate, was most irregular (although he may have kept within the four corners of the law) and has no doubt greatly prejudiced the trial. In addition therefore to asking the Chief Court to revise the order of the Sessions Judge, bailing the accused, I would ask you to apply to the Hon'ble the Judges of the Chief Court to transfer the case ~~from~~ from the file of the Mysore Sessions Court, either to their own file, or to that of some other competent Court; as from the circumstances connected with the release of the accused on bail, it will be understood, that the authorities feel, with reason, that the Sessions Judge is already prejudiced in the case, and that it is therefore possible that a miscarriage of justice may result, if the case is taken up by him.

In moving the revision, and the transfer of the case, I would request you ^{to} place this letter before the Hon'ble the Judges of the Chief Court for their information.

I have &c.

(Sd) F. E. C. Carr

I. G. of Police.

From

H. H. Sparkes Esq.,

District Magistrate

Mysore District.

To

S. Narayana Rao Esq.,

Government Advocate

Bangalore.

Sir,

Referring to my memo No.2398 dated the 6th January 1906, I have the honour to forward herewith copy of Chief Court ^{order} in revision case Nos.78 of 1905-1906 and copy of my letter No 1832 dated the 12th January 1906 addressed to the Registrar of the Chief Court for your information and necessary action.

2. The Gunjam murder case referred to in the above correspondence, which was posted to be heard on the 20th instant has been asjourned to 12th February 1906, on the motion of the public Prosecutor with a view to get the case transferred from the Mysore Sessions Division.

3. I think there was no sufficient reason for the Sessions Judge to enlarge the accused on bail especially when it was still under enquiry before the Committing Magistrate. For the reasons explained in my previous references and those given by the Inspector General of Police, I think it is prejudicial in the interests of the prosecution, that the case should be tried by the Mysore Sessions Court and I therefore request that you will kindly move the Hon'ble the Chief Court under section 526 Criminal Procedure Code to have the case transferred to itself or to some other Sessions Division.

I have &ca.,

(Sd)H.H.Sparks

Dt. Magistrate.

N^o 161

2062 Office of the
Government Advocate
in Mysore
Bangalore 31st January
1906.

iii 6
mr 1-2-06

et

From

The Government Advocate
in Mysore

To

The Secretary to the Government of
His Highness the Maharajah of
Mysore
General & Revenue Dept^s

Sir,

In continuation of my letter
N^o 160, dated the 29th Inst and
I have the honor to state as follows:-

The First class Magistrate of
Kolar Gold Fields instituted pro-
ceedings against two sets of persons
under section 110 of the Code of Cri-
minal Procedure, and on their failure
to furnish security submitted the cases,
under clause (2) of Section 123 of the
Said Code for the orders of the Sessions

Judge,

Judge, Bangalore Division. The Judge dismissed these proceedings in criminal Misc. Nos 9 & 10 of 1905/6, holding, ~~that~~ in Case No 10, that there was not sufficient evidence to prove that the said persons were habitual offenders and, in both the cases, that the Magistrate had no jurisdiction in the matter in as much as the said persons were not residing within the jurisdiction of the Magistrate.

The District Magistrate of Kolar has by his letter No 382, dated Dec 25th last asked me to apply to the Chief Court for revision of the two cases.

In this class of cases also it seems to me necessary that the orders of the Sessions Judges & Magistrates be brought to the notice of the Government who may be pleased to direct the Govt Advocate to move the Chief Court for revision of the proceedings.

I therefore request you will kindly
obtain the expression of opinion
of Government as to whether I may
act on the request of the District
Magistrate, in this respect also with
reference to Government.

I have the honor to be
Sir,
Yours most obedient servant.
S. Narayana Rao
Government Advocate

Diary No. of letter replied to _____

Proceedings of the Government of His Highness
the Maharaja of Mysore.GENERAL AND REVENUE
SECRETARIAT.

()

READ.—

Letter no. 160, dated the 29th 11/10/06

, the

190

Date of issue

14/2/06

Signed by

The Dy. Secretary.

January 1906, from the Government Advocate in Mysore, soliciting instructions as to whether he may, at the instance of the Inspector General of Police in Mysore or the District

~~ORDER THEREON~~—No.

Magistrates, apply to the Chief Court for the cancellation of the orders of the Sessions Judge releasing accused persons on bail, or for the transfer of cases, under clause (a) of sec 526 of the Criminal Procedure Code, without reference to G.O.; and whether he may

over

SUBJECT

~~appears~~ before the Chief Court in support of the reference said to have been made to that Court by the District Magistrate of Mysore for the transfer from the file of the Sessions Judge of the Mysore Division of the Ganjam murder case, which stands committed to that Court for trial, or make an application to the Chief Court, on behalf of the prosecution, for the transfer of the said case.

Order Mysore - 22220-308/14/2/06.
cts 196-3
Government Consider

that this order is necessary for the Govt Advocate to make applications to the Chief Court, on behalf of Government, both for the cancellation of orders releasing ~~the~~ accused persons on bail and for the transfer of cases from the file of one Court to that of another.

Govt are also of opinion that

2. The transfer application

Letter No 161 of the 31st Jan 1906
from the same office in connection with reference ^{regarding} to the proceedings of the Sessions Judge of the Ganjam Division in his case no 9010 of 1905-06 cancelling the proceedings instituted by the Asst Commisr Magistrate of the Holenarasip taluk in respect of certain persons who had failed to furnish security for good behavior, on the ground that the Magistrate has no jurisdiction over the said persons.

22

G.R.S. 27]

GENERAL AND REVENUE
SECRETARIAT.

(Continuation Sheet draft form.)

h The facts of the case are not fully before Govt. who therefore are not in a position to direct their Advocate to press the application for a transfer.

9/8/10

in the gangam case might not to have been made by the District Magistrate on his own responsibility and without reference to Government. ~~However~~ and ^{the} the Government Advocate ~~who is~~ ^{as the} representative and mouthpiece of Government, cannot support the application unless instructed by ~~the Government~~ ^{so} to do so. If either the District Magistrate or the Inspector General of Police has any representation to make, ~~on the subject~~, he should place himself in communication with the Government on the subject.

3. As regards the orders passed by the Sessions Judge of the Bangalore Division in this case No. 5210 of 05-06 on his file ~~concerning the proceedings instituted by the~~ ~~not found guilty of the Kolah gold fields nor 2 sets of persons for failure to furnish security for good behaviour as ordered by the Magistrate, on the ground that the Magistrate had no jurisdiction over the said persons.~~ the Government Advocate may take the

2B
necessary action to move the
Chief Court for a revision of
the sessions judge's proceedings, as
requested by the District Magistrate
of Kolar.

13/2/06
Secretary

Paul
13/2/06

20 The Government Advocate in Mysore
The District Magistrate of Mysore
and Kolar & of the remaining districts
The District Magistrate of Channarayana
The Registrar of the Chief Court of Mysore

Issue in this to GNL
Advocate & District
Magistrate of Mysore
& of the District
Police.

13/2/06.

Copied by 13.2.06.

Examined.

13/2/06